IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant	: John E. Auer
Serial No.	: 09/942,516
Filed	: August 30, 2001
For	: A SYSTEM AND METHOD FOR PROCESSING PATIENT INFORMATION
Examiner	: Dilek B Cobanoglu
Art Unit	: 3626

APPEAL BRIEF

May It Please The Honorable Board:

     Appellants appeal the Final Rejection dated August 24, 2007 of claims 1-6, 8-16 and 18-23 of the above-identified application. The fee of five hundred ten dollars ($510.00) for filing this Brief is being paid concurrently by credit card. Please charge any additional fees or credit any overpayments to Deposit Account No. 50-2828 . Enclosed is a single copy of this Brief.

     Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

     Appellants do not request an oral hearing.

I.   REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/942,516 is the Assignee of record:

Draeger Medical Systems, Inc

16 Electronics Avenue

Danvers, Massachusetts 01923

II.   RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/942,516.

III.   STATUS OF THE CLAIMS

Claims 1-6, 8-16 and 18-23 are rejected and the rejection of claims 1-6, 8-16 and 18-23 are appealed. Claims 7 and 17 have been cancelled in a previous response.

IV.   STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 provides, in an internet compatible system for displaying medical information derived from a plurality of sources (page 2, line 30-page 3, line 6), an apparatus including an acquisition processor, a display (page 2, line 34-page 3, line 6) and a menu. An acquisition processor (page 2, lines 31-33) acquires data associated with a patient from at least one of the plurality of sources (page 5, lines 27-32; figure 2, reference no. 204). The processor prioritizes the acquired data for display in a desired order (page 6, lines 9-10; figure 2, reference no. 206). A display is included (page 7, lines 5-11). A menu generating processor generates a composite window including a first panel for displaying on the display user specified parameters of the ordered acquired data in a graphical formal (page 8, lines 13-17; figure 3, reference no. 305). A second panel displays user specified parameters of the ordered acquired data in tabular format (page 8, lines 19-25; figure 3, reference no. 310). A third panel displays a user selected one of user-entered medical notes, medical laboratory results, and ventilator data (page 8, lines 29-34; figure 3, reference no. 314). The second panel includes a slider bar for navigating through the user specified parameters in tabular format (page 7, line 34-page 8, line 9; figure 3, reference no. 352). The first panel includes a cursor (page 7, lines 29-30; figure 3, reference no. 350). The curser is controlled by the slider bar. The slider bar controls the cursor and enables concurrent user navigation in both the first

and second panels through the user specified parameters in both graphical format and tabular format (page 6, lines 11-14).

Dependent claim 4 includes all the features of independent claim 1, along with the additional feature that a cursor is displayed indicating a selected time during the selected time frame (page 2, lines 26-28).

Dependent claim 5 includes all the features of independent claim 1, along with the additional feature that a time display field displays the time corresponding to the selected cursor time (page 7, lines 29-30; page 8, lines 8-14; Figure 3, reference no. 311).

Independent claim 11 provides a method for displaying medical information derived from a plurality of sources (page 2, line 30-page 3, line 6). Data associated with a patient is acquired from at least one of a plurality of sources (page 5, lines 27-32; figure 2, reference no. 204). The acquired data is prioritized for display in a desired order (page 6, lines 9-10; figure 2, reference no. 206). A composite window is generated for displaying the ordered acquired data in a graphical format in a first panel (page 8, lines 13-17; figure 3, reference no. 305). User specified parameters of the ordered acquired data are displayed in tabular format in a second panel (page 8, lines 19-25; figure 3, reference no. 310). A user one of user-entered medical notes, medical laboratory results, and ventilator data is displayed in a third panel (page 8, lines 29-34; figure 3, reference no. 314). The user specified parameters in tabular format are navigated through by positioning a slider bar including the second panel (page 7, line 34-page 8, line 9; figure 3, reference no. 352). A curser included in the first panel is controlled by the slider bar (page 7, lines 29-30; figure 3, reference no. 350). The slider bar controls the cursor and enables concurrent user navigation in both the first and second panels through the user specified parameters in both graphical format and tabular format (page 6, lines 11-14).

Dependent claim 14 includes all the features of independent claim 11, along with the additional feature that wherein a cursor is displayed indicating a selected time during the selected time frame (page 2, lines 26-28).

Dependent claim 15 includes all the features of independent claim 11, along with additional step of displaying a time corresponding to the selected cursor time (page 7, lines 29-30; page 8, lines 8-14; Figure 3, reference no. 311).

Independent claim 18 provides a method for displaying medical information derived from a plurality of sources (page 2, line 30-page 3, line 6) on a network. Data associated with a patient is acquired from at least one of the plurality of sources (page 5, lines 27-32; figure 2, reference no. 204). The acquired data is prioritized for display in a desired time period (page 6, lines 9-10; figure 2, reference no. 206). A composite window is generated for displaying the acquired data in a first window (page 8, lines 13-17; figure 3, reference no. 305) together with at least one user-entered medical notes, medical laboratory results and ventilator data in a second window (page 8, lines 29-34; figure 3, reference no. 314). The user specified parameters are navigated through in tabular format by positioning a slider bar included in the second panel (page 7, line 34-page 8, line 9; figure 3, reference no. 352). The first panel includes a cursor which is controlled by the slider bar (page 7, lines 29-30; figure 3, reference no. 350). The slider bar controls the cursor and enables concurrent user navigation in both the first and second panels through the user specified parameters in both graphical and tabular format (page 6, lines 11-14).

Dependent claim 19 includes all the features of independent claim 18, along with additional step of displaying the acquired data in different colors (page 7, lines 13-17).

Dependent claim 20 includes all the features of independent claim 18, along with additional step of displaying the acquired data in varying scales (page 7, lines 15-17; page 7, lines 20-25; Figure 3, reference no. 321).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6, 8-16 and 18-23 are rejected under 35 USC 103(a) as being unpatentable over Schoenberg et al., hereinafter Schoenberg (U.S. Patent Pub. No. 2005/0125256 A1) in view of Wallace et al., hereinafter Wallace (U.S. Patent No. 6,305,373 B1). Claims 7 and 17 have been cancelled in a previous response.

VII.   ARGUMENT

Applicants respectfully submit Schoenberg, when taken alone or in combination with Wallace, does not make the present claimed invention unpatentable. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-6, 8-16 and 18-23 under 35 U.S.C. § 103(a) is respectfully requested.

**Rejection of claims 1-6, 8-16 and 18-23 under 35 U.S.C. § 103(a) over Schoenberg et al.
(U.S. Patent Pub. No. 2005/0125256 A1) in view of Wallace et al. (U.S. Patent No.
6,305,373 B1)**

Reversal of the rejection of claims 1-6, 8-16 and 18-23 under 35 U.S.C. § 103(a) as
being unpatentable over Schoenberg et al. (U.S. Patent Pub. No. 2005/0125256 A1) in view of
Wallace et al. (U.S. Patent No. 6,305,373 B1) is respectfully requested because the rejection
makes crucial errors in interpreting the cited reference. The rejection erroneously states that
claims 1-6, 8-16 and 18-23 are made unpatentable over Schoenberg in view of Wallace.

<center>Overview of the Cited References</center>

Schoenberg describes a medical information system that receives patient data and
information from various sources and displays such information in a variety of formats for use
by members of a medical team in a hospital, clinic, or office. The system receives patient
information from doctors, pharmacists, patient monitoring equipment, testing laboratories,
and/or computer databases. Access to selected subsets of patient information is provided by
user selection of specific data sets identified by job function selection icons. A member of the
medical team can record observations about a patient using key words and phrases which can
be supplemented with additional text for customized notation. Multiple types of patient data
are selectively displayed simultaneously, and to multiple remote users. The system can access
stored data according to user-specified formulae to compute a score or metric which reflects a
relationship between various factors, each factor being weighted appropriately according to its
significance as defined in the formula. A user can selectively display data in graphic form by
"clicking" on a row of tabular data in a tabular region of the display and "dragging and
dropping" that row to a graphic display region of the display (*see* Abstract).

Wallace describes a ventilation control system for controlling the ventilation of a
patient. The ventilation control system utilizes a user-friendly user interface for the display of
patient data and ventilator status, as well as for entering values for ventilation settings to be
used to control the ventilator and for setting and displaying appropriate alarms settings and
patient data (*see* Abstract).

<center>CLAIMS 1-3, 6, 8-10, 21 and 23</center>

Independent claim 1 provides, in an internet compatible system for displaying medical
information derived from a plurality of sources. An apparatus includes an acquisition
processor, a display and a menu. The acquisition processor acquires data associated with a

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patient from at least one of the plurality of sources. The processor prioritizes the acquired data for display in a desired order. A menu generating processor generates a composite window including a first panel for displaying on the display user specified parameters of the ordered acquired data in a graphical formal. A second panel of the composite window displays user specified parameters of the ordered acquired data in tabular format. A third panel of the composite window displays a user selected one of user-entered medical notes, medical laboratory results, and ventilator data. The second panel includes a slider bar for navigating through the user specified parameters in tabular format. The first panel includes a cursor. The curser is controlled by the slider bar. The slider bar controls the cursor and enables concurrent user navigation in both the first and second panels through the user specified parameters in both graphical format and tabular format. Schoenberg and Hunt, when taken alone or in combination, neither disclose nor suggest these features.

Schoenberg describes a medical information system. The system receives patient data and information from various sources and displays the data in a variety of formats. Data can be displayed in graphic form in a graphic display region and/or tabular form in a tabular region. However, Schoenberg neither discloses nor suggests "prioritizing the acquired data for display in a desired order" as recited in the present claimed invention. The Office Action cites paragraphs [0037] and [0042] of Schoenberg as showing this feature. Contrary to the assertions made in the Office Action, the cited passages merely show selection by a user of subsets of medical information and generation by a user of customized reports. There is no discussion or suggestion in Schoenberg of prioritization of the medical information or display of medical information in a desired order.

In the "Response to Arguments" section of the Office Action, it is argued that the abstract of Schoenberg is equivalent to the present claimed invention which recites (a processor) "prioritizing the acquired data for display in a desired order." Specifically, the Office Action argues that Schoenberg describes a medical information system where "Access to selected subsets of patient information is provided by user selection of specific data sets identified by job function selection icons" and that the "subsets of patient information is identified or prioritized by user selection of job functions." Applicants respectfully disagree. Although Schoenberg may describe that access is provided by user selection of specific data sets identified by job function icons, there is no mention or suggestion of "**prioritizing** the acquired data for display in a desired order" as recited in claim 1 of the present invention. Merely having selected subsets of patient information and allowing access to the subsets by user selection of specific data sets, as in Schoenberg, does not disclose or suggest the

"prioritizing [of] the acquired data for display in a desired order" as recited in claim 1 of the present invention.

Additionally, while Schoenberg does discuss separate graphic and tabular regions of a display screen, neither the graphic region nor the tabular region include data that is **prioritized** for display in a desired order as in the present claimed invention. Thus, Schoenberg neither discloses nor suggests "a menu generating processor for generating a composite window including a first panel for displaying on said display user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user specified parameters of said ordered acquired data in tabular format" as recited in claim 1 of the present invention.

While Schoenberg does show user entry of medical notes and acquisition of laboratory results (but not ventilator data), Schoenberg does not display a "user selected one of user-entered medical notes, medical laboratory results, and ventilator data" in a **third region** (panel) of the screen. Therefore, Schoenberg neither discloses nor suggests "a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data" as recited in claim 1 of the present invention.

The Office Action cites paragraphs [0052], [0054] and [0063] of Schoenberg as being relevant to the present claimed invention. Contrary to the assertion in the Office Action, paragraph [0052] only shows a drag and drop feature for customizing graphic and tabular regions of a display. Additionally, paragraph [0054] and Figure 2B of Schoenberg merely describes that "multiple **graphical displays** of patient information" may be presented. The user can select the number of graphs they wish to see in a given display from the menu bar. "The menu bar shows icons MI1, MI2, MI3 and MI4 which respectively offer the user a choice of one, two, three or four simultaneous displays. FIG. 2B illustrates four graphical displays entitled VITAL SIGNS, RESPIRATION, HEMOTOLOGY and BLOOD GASES. Other displays ... can also be selected" (paragraph [0054]). Thus, one, two, three or four simultaneous displays can be selected. Paragraph [0063] merely describes "generating text in an image field in display 12 ... The user select device is responsive to a user action to (a) display one or more of the plurality of discrete phrases, and (b) select a sequence of one or more of the said phrases and identify text entry points representative of desired positions of the phrases in the image field of display 12." Nowhere in the cited passages, or elsewhere in Schoenberg is there any disclosure or suggestion of a "second panel" that "includes a slider bar for navigating through the user specified parameters in tabular format; and said first

panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling **concurrent user navigation** in both said first and second panels through said user specified parameters in both graphical and tabular format," as recited in claim 1 of the present invention.

The Office Action equates the slider bar of the present claimed invention with a graphical time scale shown in Figure 2B and described in paragraph [0054] of Schoenberg. Applicants respectfully submit that the time scale of Schoenberg is NOT equivalent to the slider bar of the present claimed invention. The time scale of Schoenberg is not used for "enabling concurrent user navigation in **both** said first and second panels through said user specified parameters in both graphical format and tabular format," as recited in claim 1 of the present invention. Schoenberg only describes that the "time scale can be selectively changed by a user for any or all of the images" (paragraph [0054]). This is completely unlike the slider bar of the present claimed invention. Nowhere in Schoenberg is it disclosed or suggested that the time scale of any particular image is related to any other image or that the time scale enables "concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 1 of the present invention.

While Schoenberg describes a keyboard with cursor control (*see* paragraph [0037]), Schoenberg is silent as to the method of controlling the cursor. Also, while Schoenberg describes scrolling through a display, Schoenberg is silent as to the control of the scrolling. Nowhere in the cited passages or elsewhere in Schoenberg is there disclosure or suggestion that "said second panel includes a slider bar for navigating through the user specified parameters in tabular format" as recited in claim 1 of the present invention. Furthermore, Schoenberg neither discloses nor suggests, in the cited passages or elsewhere, that "said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 1 of the present invention. Although Schoenberg may describe "menu bar ... icons ... which ... offer the user a choice of one, two, three or four simultaneous displays" (paragraph [0054]), Schoenberg does not disclose or suggest "enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 1 of the present invention. The cited passages in the "Response to Arguments" section merely show that different displays can be chosen to be viewed simultaneously. However, Schoenberg does not disclose or

suggest a slider bar that controls a cursor and enables concurrent user **navigation** in both the first and second panels through user specified parameters in both graphical and tabular format, as in the present claimed invention. Therefore, Schoenberg does not disclose or suggest these features.

In the "Response to Argument" section of the Office Action, it is argued that Schoenberg discloses a first, second and third panel, as recited in claim 1 of the present invention. Applicants respectfully disagree. Nowhere in the cited passages or elsewhere in Schoenberg is there mention or suggestion of "a first panel for displaying on said display user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user specified parameters of said ordered acquired data in tabular format, and a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data" as recited in claim 1 of the present invention.

The Office Action on age 3 correctly admits that "Schoenberg fails to expressly teach the user-entered ventilator data." However, Applicants respectfully submit that Wallace, when taken alone or in combination with Schoenberg, does not make the present claimed invention unpatentable.

Wallace describes a user-friendly graphic interface for use in setting up and carrying out a wide variety of respiratory therapies. The system allows "great flexibility in the setup of the ventilator and the thresholding and display of alarms ... the invention allows the setup of alarms by the user so that graphic, aural and visible alarms of various urgency may be displayed to the user, and the setup of alarms is displayed graphically as well so that the ease of use and alarm setup is enhanced" (col. 5, lines 45-52).

The Office Action cites col. 3, lines 1-14 of Wallace as disclosing the features of the present invention. The relied upon section of Wallace shows the display of ventilator data (ventilator settings and patient data). However, Wallace, similarly to Schoenberg, neither discloses nor suggests display of medical notes, laboratory results or ventilator data in a single panel and thus, neither discloses nor suggests "a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data" as recited in claim 1 of the present invention.

As acknowledged in the "Response to Arguments" section on page 11 of the Office Action, Wallace neither discloses nor suggests a "processor for acquiring data associated

with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order," as recited in claim 1 of the present invention (as the Office Action argues that "Schoenberg teaches these limitations"). However, as discussed above, the feature of "prioritizing the acquired data for display in a desired order" as recited in the present claimed invention is also neither disclosed nor suggested by Schoenberg (with Wallace).

Applicants respectfully submit that Wallace neither discloses nor suggests "generating a composite window" and that the "second panel includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling **concurrent user navigation** in **both** said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 1 of the present invention. As discussed above, these features are also neither disclosed nor suggested by Schoenberg. Rather, Schoenberg in cited paragraph [0052] describes a "drag and drop" feature whereby the user can select a row from the tabular data, drag that row to the graph and drop that row of data into the graph. This feature can also work in reverse and the user can drag the graph and drop it into the tabular region of the screen, **removing it from the graphic display region**. Once the information is moved, it no longer exists in the previous form. This is wholly unlike the present claimed invention where automatic steps are provided to concurrently navigate through user specified data and parameters in graphical and tabular format thereby providing a more efficient means for analyzing and matching data parameters to quickly diagnose the health and condition of a patient (a patient safety concern). In the present claimed invention, when the user moves the "slider bar" in the "second panel" to navigate "through the user specified parameters in tabular format," the "cursor" in the "first panel" navigates concurrently through the graphical data with the navigation through the tabular data in the second panel. Thus, a temporal relationship between the data shown in the tabular format and the data shown in the graphical format is advantageously maintained. The user friendly display of the present claimed invention helps to improve patient safety and accuracy of diagnosis by facilitating focusing attention of a caregiver on the patient and avoiding distraction involved in manually trying to match corresponding graphical and tabular display data in the panels. The present claimed invention further provides "an efficient way to process and display the large amount of data from the various medical devices" (Specification, page 2, lines 17-18).

It is also respectfully submitted that there is no reason or motivation to combine these two references as Wallace is concerned with entering ventilator settings to control the ventilator and setting appropriate alarm settings while Schoenberg is directed towards providing subsets of data regarding patient medical information to respective groups of users. These references are concerned with entirely different problems in the medical field. Wallace is concerned with facilitating the set-up of a ventilator and ventilator alarms. Schoenberg is concerned with providing immediate and selective access to various members of a medical team treating a patient, based on the function performed by each member. Additionally, neither of these references is concerned with concurrently navigating through the display of data in graphical and tabular format as in the present invention and thus there is no recognition of the problems addressed by the present claimed invention. Contrary to the arguments made in the "Response to Arguments" section, applicants respectfully submit that the systems of Schoenberg and Wallace are directed towards different objectives, and therefore, there is no reason or motivation to combine these systems.

Additionally, applicants respectfully submit that even if the systems of Schoenberg and Wallace were combined, such a combination would produce a system whereby members of a medical team, based on the function they perform, may enter and control settings for the ventilator and alarms. This combination still neither discloses nor suggests "a composite window including a first panel for displaying user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user specified parameters of said ordered acquired data in tabular format, and a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data" as recited in claim 1 of the present invention. Additionally, the combination of these two references also neither shows nor suggests "said second panel includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar to navigate through said user specified parameters in graphical format in synchronism with navigation through said user specified parameters in tabular format" as recited in claim 1 of the present invention. Consequently, withdrawal of the rejection of claim 1 under 35 U.S.C. 103(a) is respectfully requested.

Therefore as Schoenberg in view of Wallace fails to show or suggest the features of the present claimed invention, Schoenberg and Wallace, when taken alone or in combination, do not make the present claimed invention unpatentable. Furthermore, as claims 2, 3, 6, 8-10, 21 and 23 are dependent on claim 1, these claims are also patentable over Schoenberg in view of

Wallace. Consequently, it is respectfully requested that the rejection of claims 1- 3, 6, 8-10, 21 and 23 under 35 U.S.C. 103(a) be withdrawn.

<center>CLAIM 4</center>

Dependent claim 4 is dependent on independent claim 1, and is patentable for the same reasons as claim 1. Additionally, claim 4 is patentable because Schoenberg and Wallace neither disclose nor suggest "a cursor is displayed indicating a selected time during the selected time frame" as recited in claim 4 of the present invention.

Contrary to the assertion made in the Office Action, Schoenberg (with Wallace) in the cited passages (or elsewhere) does not make the present claimed unpatentable. Cited paragraph [0037] of Schoenberg merely

"generates images in response to a set of display signals which are generated by display controller 14. The controller 14 is capable of receiving multiple data sets, each data set being representative of medical information ... a user device (keyboard/pointer 22) [is included] which is responsive to user selection action for generation a selection signal. The user device may be any kind of selection device, for example, a keyboard ... mouse, light pen, trackball, touch pad, or voice controlled pointer."

Thus, Schoenberg only describes that a user device is included. However, Schoenberg is silent as to whether "a **cursor** is displayed indicating a **selected time** during the **selected time frame**" as recited in claim 4 of the present invention.

Cited paragraph [0054] of Schoenberg merely describes simultaneously displaying one to four displays. The cited passage also describes that "The table below the graph includes numerical data in one minute intervals of time. The time scale can be selectively changed by a user for any or all of the images." However, allowing a user to change the time scale of graphs, as in Schoenberg, does not disclose or suggest "a cursor is displayed indicating a selected time during the selected time frame" as recited in claim 4 of the present invention. Schoenberg only shows a time interval for a graph and allows a user to change the time scale for the graph. This is wholly unlike the present claimed invention which displays a cursor indicating a selected time during a selected time frame. As Schoenberg (with Wallace) does not disclose or suggest displaying a cursor indicating a selected time during a selected time frame, Schoenberg with Wallace does not make the present claimed invention unpatentable.

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Consequently, withdrawal of the rejection of claim 4 under 35 U.S.C. 103(a) is respectfully requested.

CLAIM 5

Dependent claim 5 is dependent on claims 1 and 4, and is patentable for the same reasons as claims 1 and 4. Additionally, claim 5 is patentable because Schoenberg and Wallace neither disclose nor suggest "a time display field displays the time corresponding to the selected cursor time" as recited in claim 5 of the present invention.

As described above with respect to claim 4, cited paragraphs [0037] and [0054] merely describe that a user device (keyboard, etc.) is included and a user can change the time scale of graphs. However, Schoenberg is silent as to whether "a time display field displays the time corresponding to the **selected cursor time**" as recited in claim 5 of the present invention. As Schoenberg (with Wallace) is not concerned with a selected cursor time, but rather is only concerned with a time interval for a graph and allowing a user to change the time scale for the graph, Schoenberg does not make the present claimed invention unpatentable. Consequently, withdrawal of the rejection of claim 5 under 35 U.S.C. 103(a) is respectfully requested.

CLAIMS 11, 12, 13, 16 and 22

Independent claim 11 provides a method for displaying medical information derived from a plurality of sources. Data associated with a patient is acquired from at least one of a plurality of sources. The acquired data is prioritized for display in a desired order. A composite window is generated for displaying the ordered acquired data in a graphical format in a first panel. User specified parameters of the ordered acquired data are displayed in tabular format in a second panel. A user one of user-entered medical notes, medical laboratory results, and ventilator data is displayed in a third panel. The user specified parameters in tabular format are navigated through by positioning a slider bar including the second panel. A curser included in the first panel is controlled by the slider bar. The slider bar controls the cursor and enables concurrent user navigation in both the first and second panels through the user specified parameters in both graphical format and tabular format. Schoenberg and Hunt, when taken alone or in combination, neither disclose nor suggest these features.

Schoenberg describes a medical information system. The system receives patient data and information from various sources and displays the data in a variety of formats. Data

can be displayed in graphic form in a graphic display region and/or tabular form in a tabular region. However, Schoenberg neither discloses nor suggests "prioritizing the acquired data for display in a desired order" as recited in claim 11 of the present invention. The Office Action cites paragraphs [0037] and [0042] of Schoenberg as showing this feature. Contrary to the assertions made in the Office Action, the cited passages merely show selection by a user of subsets of medical information and generation by a user of customized reports. There is no discussion or suggestion in Schoenberg of prioritization of the medical information or display of medical information in a desired order.

In the "Response to Arguments" section of the Office Action, it is argued that the abstract of Schoenberg is equivalent to the present claimed invention which recites "prioritizing the acquired data for display in a desired order." Specifically, the Office Action argues that Schoenberg describes a medical information system where "Access to selected subsets of patient information is provided by user selection of specific data sets identified by job function selection icons" and that the "subsets of patient information is identified or prioritized by user selection of job functions." Applicants respectfully disagree. Although Schoenberg may describe that access is provided by user selection of specific data sets identified by job function icons, there is no mention or suggestion of "**prioritizing** the acquired data for display in a desired order" as recited in claim 11 of the present invention. Merely having selected subsets of patient information and allowing access to the subsets by user selection of specific data sets, as in Schoenberg, does not disclose or suggest the "prioritizing [of] the acquired data for display in a desired order" as recited in claim 11 of the present invention.

Additionally, while Schoenberg does discuss separate graphic and tabular regions of a display screen, neither the graphic region nor the tabular region include data that is **prioritized** for display in a desired order as in the present claimed invention. Thus, Schoenberg neither discloses nor suggests "generating a composite window for displaying said ordered acquired data in a graphical format in a first panel, displaying user specified parameters of said ordered acquired data in tabular format in a second panel" as recited in claim 11 of the present invention.

While Schoenberg does show user entry of medical notes and acquisition of laboratory results (but not ventilator data), Schoenberg does not display a "user selected one of user-entered medical notes, medical laboratory results, and ventilator data" in a **third region** (panel) of the screen. Therefore, Schoenberg neither discloses nor suggests

"displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data in a third panel" as recited in claim 11 of the present invention.

The Office Action cites paragraphs [0052], [0054] and [0063] of Schoenberg as being relevant to the present claimed invention. Contrary to the assertion in the Office Action, paragraph [0052] only shows a drag and drop feature for customizing graphic and tabular regions of a display. Additionally, paragraph [0054] and Figure 2B of Schoenberg merely describes that "multiple **graphical displays** of patient information" may be presented. The user can select the number of graphs they wish to see in a given display from the menu bar. "The menu bar shows icons MI1, MI2, MI3 and MI4 which respectively offer the user a choice of one, two, three or four simultaneous displays. FIG. 2B illustrates four graphical displays entitled VITAL SIGNS, RESPIRATION, HEMOTOLOGY and BLOOD GASES. Other displays ... can also be selected" (paragraph [0054]). Thus, one, two, three or four simultaneous displays can be selected. Paragraph [0063] merely describes "generating text in an image field in display 12 ... The user select device is responsive to a user action to (a) display one or more of the plurality of discrete phrases, and (b) select a sequence of one or more of the said phrases and identify text entry points representative of desired positions of the phrases in the image field of display 12." Nowhere in the cited passages, or elsewhere in Schoenberg is there any disclosure or suggestion of "a second panel" that "navigat[es] through the user specified parameters in tabular format by positioning a slider bar included in said second panel" and "controlling a cursor included in said first panel, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 11 of the present invention.

The Office Action equates the slider bar of the present claimed invention with a graphical time scale shown in Figure 2B and described in paragraph [0054] of Schoenberg. Applicants respectfully submit that the time scale of Schoenberg is NOT equivalent to the slider bar of the present claimed invention. The time scale of Schoenberg is not used for "enabling concurrent user navigation in **both** said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 11 of the present invention. Schoenberg only describes that the "time scale can be selectively changed by a user for any or all of the images" (paragraph [0054]). This is completely unlike the slider bar of the present claimed invention. Nowhere in Schoenberg is it disclosed or suggested that the time scale of any particular image is related to any other image or that the time scale enables "concurrent user navigation in both said first and second panels

through said user specified parameters in both graphical format and tabular format" as recited in claim 11 of the present invention.

While Schoenberg describes a keyboard with cursor control (*see* paragraph [0037]), Schoenberg is silent as to the method of controlling the cursor. Also, while Schoenberg describes scrolling through a display, Schoenberg is silent as to the control of the scrolling. Nowhere in the cited passages or elsewhere in Schoenberg is there any disclosure or suggestion of "navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel" as recited in claim 11 of the present invention. Furthermore, Schoenberg neither discloses nor suggests, in the cited passages or elsewhere, "controlling a cursor included in said first panel, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 11 of the present invention. Although Schoenberg may describe "menu bar ... icons ... which ... offer the user a choice of one, two, three or four simultaneous displays" (paragraph [0054]), Schoenberg does not disclose or suggest "enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 11 of the present invention. The cited passages in the "Response to Arguments" section merely show that different displays can be chosen to be viewed simultaneously. However, Schoenberg does not disclose or suggest a slider bar that controls a cursor and enables concurrent user navigation in both the first and second panels through user specified parameters in both graphical and tabular format, as in the present claimed invention. Therefore, Schoenberg does not disclose or suggest these features recited in claim 11 of the present invention.

In the "Response to Argument" section of the Office Action, it is argued that Schoenberg discloses a first, second and third panel, as recited in claim 11 of the present invention. Applicants respectfully disagree. Nowhere in the cited passages or elsewhere in Schoenberg is there mention or suggestion of "generating a composite window for displaying said ordered acquired data in a graphical format in a first panel, displaying user specified parameters of said ordered acquired data in tabular format in a second panel, and displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data in a third panel" as recited in claim 11 of the present invention.

The Office Action on age 3 correctly admits that "Schoenberg fails to expressly teach the user-entered ventilator data." However, Applicants respectfully submit that Wallace, when taken alone or in combination with Schoenberg, does not make the present claimed invention unpatentable.

Wallace describes a user-friendly graphic interface for use in setting up and carrying out a wide variety of respiratory therapies. The system allows "great flexibility in the setup of the ventilator and the thresholding and display of alarms ... the invention allows the setup of alarms by the user so that graphic, aural and visible alarms of various urgency may be displayed to the user, and the setup of alarms is displayed graphically as well so that the ease of use and alarm setup is enhanced" (col. 5, lines 45-52).

The Office Action cites col. 3, lines 1-14 of Wallace as disclosing the features of the present invention. The relied upon section of Wallace shows the display of ventilator data (ventilator settings and patient data). However, Wallace, similarly to Schoenberg, neither discloses nor suggests display of medical notes, laboratory results or ventilator data in a single panel and thus, neither discloses nor suggests "displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data in a third panel" as recited in claim 11 of the present invention.

As acknowledged in the "Response to Arguments" section on page 11 of the Office Action, Wallace neither discloses nor suggests a "processor for acquiring data associated with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order," as recited in claim 1 of the present invention (as the Office Action argues that "Schoenberg teaches these limitations"). Applicants respectfully submit that Wallace similarly also neither discloses nor suggests "acquiring data associated with a patient from at least one of a plurality of sources; prioritizing the acquired data for display in a desired order" as recited in claim 11 of the present invention. However, as discussed above, the feature of "prioritizing the acquired data for display in a desired order" as recited in the present claimed invention is also neither disclosed nor suggested by Schoenberg (with Wallace).

Applicants respectfully submit that Wallace neither discloses nor suggests "generating a composite window" and "navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel; and controlling a cursor included in said first panel, said cursor being controlled by said slider bar, said slider

bar controlling said cursor and enabling **concurrent user navigation** in **both** said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 11 of the present invention. As discussed above, these features are also neither disclosed nor suggested by Schoenberg. Rather, Schoenberg in cited paragraph [0052] describes a "drag and drop" feature whereby the user can select a row from the tabular data, drag that row to the graph and drop that row of data into the graph. This feature can also work in reverse and the user can drag the graph and drop it into the tabular region of the screen, **removing it from the graphic display region**. Once the information is moved, it no longer exists in the previous form. This is wholly unlike the present claimed invention where automatic steps are provided to concurrently navigate through user specified data and parameters in graphical and tabular format thereby providing a more efficient means for analyzing and matching data parameters to quickly diagnose the health and condition of a patient (a patient safety concern). In the present claimed invention, when the user moves the "slider bar" in the "second panel" to navigate "through the user specified parameters in tabular format," the "cursor" in the "first panel" navigates concurrently through the graphical data with the navigation through the tabular data in the second panel. Thus, a temporal relationship between the data shown in the tabular format and the data shown in the graphical format is advantageously maintained. The user friendly display of the present claimed invention helps to improve patient safety and accuracy of diagnosis by facilitating focusing attention of a caregiver on the patient and avoiding distraction involved in manually trying to match corresponding graphical and tabular display data in the panels. The present claimed invention further provides "an efficient way to process and display the large amount of data from the various medical devices" (Specification, page 2, lines 17-18).

It is also respectfully submitted that there is no reason or motivation to combine these two references as Wallace is concerned with entering ventilator settings to control the ventilator and setting appropriate alarm settings while Schoenberg is directed towards providing subsets of data regarding patient medical information to respective groups of users. These references are concerned with entirely different problems in the medical field. Wallace is concerned with facilitating the set-up of a ventilator and ventilator alarms. Schoenberg is concerned with providing immediate and selective access to various members of a medical team treating a patient, based on the function performed by each member. Additionally, neither of these references is concerned with concurrently navigating through the display of data in graphical and tabular format as in the present invention and thus, there is no recognition of the problems addressed by the present claimed invention. Contrary to the arguments made in the "Response to Arguments" section, applicants respectfully submit that the systems of

Schoenberg and Wallace are directed towards different objectives, and therefore, there is no reason or motivation to combine these systems.

Additionally, applicants respectfully submit that even if the systems of Schoenberg and Wallace were combined, such a combination would produce a system whereby members of a medical team, based on the function they perform, may enter and control settings for the ventilator and alarms. This combination still neither discloses nor suggests "generating a composite window for displaying said ordered acquired data in a graphical format in a first panel, displaying user specified parameters of said ordered acquired data in tabular format in a second panel, and displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data in a third panel" as recited in claim 11 of the present invention. Additionally, the combination of these two references also neither shows nor suggests "navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel; and controlling a cursor included in said first panel, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 11 of the present invention. Consequently, withdrawal of the rejection of claim 11 under 35 U.S.C. 103(a) is respectfully requested.

Therefore as Schoenberg in view of Wallace fails to show or suggest the features of the present claimed invention, Schoenberg and Wallace, when taken alone or in combination, do not make the present claimed invention unpatentable. Furthermore, as claims 12, 13, 16 and 22 are dependent on claim 11, these claims are also patentable over Schoenberg in view of Wallace. Consequently, it is respectfully requested that the rejection of claims 11, 12, 13, 16 and 22 under 35 U.S.C. 103(a) be withdrawn.

<div align="center">CLAIM 14</div>

Dependent claim 14 is dependent on independent claim 11, and is patentable for the same reasons as claim 11. Additionally, claim 14 is patentable because Schoenberg and Wallace neither disclose nor suggest "a cursor is displayed indicating a selected time during the selected time frame" as recited in claim14 of the present invention.

Contrary to the assertion made in the Office Action, Schoenberg (with Wallace) in the cited passages (or elsewhere) does not make the present claimed unpatentable. Cited paragraph [0037] of Schoenberg merely

> "generates images in response to a set of display signals which are generated by display controller 14. The controller 14 is capable of receiving multiple data sets, each data set being representative of medical information ... a user device (keyboard/pointer 22) [is included] which is responsive to user selection action for generation a selection signal. The user device may be any kind of selection device, for example, a keyboard ... mouse, light pen, trackball, touch pad, or voice controlled pointer."

Thus, Schoenberg only describes that a user device is included. However, Schoenberg is silent as to whether "a **cursor** is displayed indicating a **selected time** during the **selected time frame**" as recited in claim 14 of the present invention.

Cited paragraph [0054] of Schoenberg merely describes simultaneously displaying one to four displays. The cited passage also describes that "The table below the graph includes numerical data in one minute intervals of time. The time scale can be selectively changed by a user for any or all of the images." However, allowing a user to change the time scale of graphs, as in Schoenberg, does not disclose or suggest "a cursor is displayed indicating a selected time during the selected time frame" as recited in claim 14 of the present invention. Schoenberg only shows a time interval for a graph and allows a user to change the time scale for the graph. This is wholly unlike the present claimed invention which displays a cursor indicating a selected time during a selected time frame. As Schoenberg (with Wallace) does not disclose or suggest displaying a cursor indicating a selected time during a selected time frame, Schoenberg with Wallace does not make the present claimed invention unpatentable. Consequently, withdrawal of the rejection of claim 14 under 35 U.S.C. 103(a) is respectfully requested.

CLAIM 15

Dependent claim 15 is dependent on claims 11 and 14, and is patentable for the same reasons as claims 11 and 14. Additionally, claim 15 is patentable because Schoenberg and Wallace neither disclose nor suggest "displaying a time corresponding to the selected cursor time" as recited in claim 15 of the present invention.

As described above with respect to claim 14, cited paragraphs [0037] and [0054] merely describe that a user device (keyboard, etc.) is included and a user can change the time scale of graphs. However, Schoenberg is silent as to whether "displaying a time corresponding to the **selected cursor time**" as recited in claim 15 of the present invention. As Schoenberg (with Wallace) is not concerned with a selected cursor time, but rather is only concerned with a time interval for a graph and allowing a user to change the time scale for the graph, Schoenberg does not make the present claimed invention unpatentable. Consequently, withdrawal of the rejection of claim 15 under 35 U.S.C. 103(a) is respectfully requested.

<div align="center">CLAIMS 18 and 19</div>

Independent claim 18 provides a method for displaying medical information derived from a plurality of sources on a network. Data associated with a patient is acquired from at least one of the plurality of sources. The acquired data is prioritized for display in a desired time period. A composite window is generated for displaying the acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results and ventilator data in a second window. The user specified parameters are navigated through in tabular format by positioning a slider bar included in the second panel. The first panel includes a cursor which is controlled by the slider bar. The slider bar controls the cursor and enables concurrent user navigation in both the first and second panels through the user specified parameters in both graphical and tabular format. Schoenberg and Hunt, when taken alone or in combination, neither disclose nor suggest these features.

Schoenberg describes a medical information system. The system receives patient data and information from various sources and displays the data in a variety of formats. Data can be displayed in graphic form in a graphic display region and/or tabular form in a tabular region. However, Schoenberg neither discloses nor suggests "prioritizing the acquired data for display in a desired time period" as recited in claim 18 of the present invention. The Office Action cites paragraphs [0037] and [0042] of Schoenberg as showing this feature. Contrary to the assertions made in the Office Action, the cited passages merely show selection by a user of subsets of medical information and generation by a user of customized reports. There is no discussion or suggestion in Schoenberg of prioritization of the medical information or display of medical information in a desired order.

In the "Response to Arguments" section of the Office Action, it is argued that the abstract of Schoenberg is equivalent to the present claimed invention which recites

<div align="center">21</div>

"prioritizing the acquired data for display in a desired time period." Specifically, the Office Action argues that Schoenberg describes a medical information system where "Access to selected subsets of patient information is provided by user selection of specific data sets identified by job function selection icons" and that the "subsets of patient information is identified or prioritized by user selection of job functions." Applicants respectfully disagree. Although Schoenberg may describe that access is provided by user selection of specific data sets identified by job function icons, there is no mention or suggestion of "**prioritizing** the acquired data for display in a desired time period" as recited in claim 18 of the present invention. Merely having selected subsets of patient information and allowing access to the subsets by user selection of specific data sets, as in Schoenberg, does not disclose or suggest the "prioritizing [of] the acquired data for display in a desired time period" as recited in claim 18 of the present invention.

Additionally, while Schoenberg does discuss separate graphic and tabular regions of a display screen, neither the graphic region nor the tabular region include data that is **prioritized** for display in a desired order as in the present claimed invention. Thus, Schoenberg neither discloses nor suggests "generating a composite window for displaying said acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results, and ventilator data in a second window" as recited in claim 18 of the present invention.

While Schoenberg does show user entry of medical notes and acquisition of laboratory results (but not ventilator data), Schoenberg does not display "user-entered medical notes, medical laboratory results, and ventilator data" in a **second region** (window) of the screen. Therefore, Schoenberg neither discloses nor suggests "displaying said acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results, and ventilator data in a second window" as recited in claim 18 of the present invention.

The Office Action cites paragraphs [0052], [0054] and [0063] of Schoenberg as being relevant to the present claimed invention. Contrary to the assertion in the Office Action, paragraph [0052] only shows a drag and drop feature for customizing graphic and tabular regions of a display. Additionally, paragraph [0054] and Figure 2B of Schoenberg merely describes that "multiple **graphical displays** of patient information" may be presented. The user can select the number of graphs they wish to see in a given display from the menu bar. "The menu bar shows icons MI1, MI2, MI3 and MI4 which respectively offer the user a

choice of one, two, three or four simultaneous displays. FIG. 2B illustrates four graphical displays entitled VITAL SIGNS, RESPIRATION, HEMOTOLOGY and BLOOD GASES. Other displays ... can also be selected" (paragraph [0054]). Thus, one, two, three or four simultaneous displays can be selected. Paragraph [0063] merely describes "generating text in an image field in display 12 ... The user select device is responsive to a user action to (a) display one or more of the plurality of discrete phrases, and (b) select a sequence of one or more of the said phrases and identify text entry points representative of desired positions of the phrases in the image field of display 12." Nowhere in the cited passages, or elsewhere in Schoenberg is there any disclosure or suggestion of "navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel; and said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format" as recited in claim 18 of the present invention.

The Office Action equates the slider bar of the present claimed invention with a graphical time scale shown in Figure 2B and described in paragraph [0054] of Schoenberg. Applicants respectfully submit that the time scale of Schoenberg is NOT equivalent to the slider bar of the present claimed invention. The time scale of Schoenberg is not used for "enabling concurrent user navigation in **both** said first and second panels through said user specified parameters in both graphical and tabular format" as recited in claim 18 of the present invention. Schoenberg only describes that the "time scale can be selectively changed by a user for any or all of the images" (paragraph [0054]). This is completely unlike the slider bar of the present claimed invention. Nowhere in Schoenberg is it disclosed or suggested that the time scale of any particular image is related to any other image or that the time scale enables "concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format" as recited in claim 18 of the present invention.

While Schoenberg describes a keyboard with cursor control (*see* paragraph [0037]), Schoenberg is silent as to the method of controlling the cursor. Also, while Schoenberg describes scrolling through a display, Schoenberg is silent as to the control of the scrolling. Nowhere in the cited passages or elsewhere in Schoenberg is there any disclosure or suggestion of navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel" as recited in claim 18 of the present invention. Furthermore, Schoenberg neither discloses nor suggests, in the cited passages or

elsewhere, that "said cursor [is] being controlled by said slider bar, said slider bar control[s] said cursor and enable[s] concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format" as recited in claim 18 of the present invention. Although Schoenberg may describe "menu bar … icons … which … offer the user a choice of one, two, three or four simultaneous displays" (paragraph [0054]), Schoenberg does not disclose or suggest "enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format" as recited in claim 18 of the present invention. The cited passages in the "Response to Arguments" section merely show that different displays can be chosen to be viewed simultaneously. However, Schoenberg does not disclose or suggest a slider bar that controls a cursor and enables concurrent user navigation in both the first and second panels through user specified parameters in both graphical and tabular format, as in the present claimed invention. Therefore, Schoenberg does not disclose or suggest these features recited in claim 18 of the present invention.

In the "Response to Argument" section of the Office Action, it is argued that Schoenberg discloses a first and second, as recited in claim 18 of the present invention. Applicants respectfully disagree. Nowhere in the cited passages or elsewhere in Schoenberg is there mention or suggestion of "generating a composite window for displaying said acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results, and ventilator data in a second window" as recited in claim 18 of the present invention.

The Office Action on age 3 correctly admits that "Schoenberg fails to expressly teach the user-entered ventilator data." However, Applicants respectfully submit that Wallace, when taken alone or in combination with Schoenberg, does not make the present claimed invention unpatentable.

Wallace describes a user-friendly graphic interface for use in setting up and carrying out a wide variety of respiratory therapies. The system allows "great flexibility in the setup of the ventilator and the thresholding and display of alarms ... the invention allows the setup of alarms by the user so that graphic, aural and visible alarms of various urgency may be displayed to the user, and the setup of alarms is displayed graphically as well so that the ease of use and alarm setup is enhanced" (col. 5, lines 45-52).

The Office Action cites col. 3, lines 1-14 of Wallace as disclosing the features of the present invention. The relied upon section of Wallace shows the display of ventilator data (ventilator settings and patient data). However, Wallace, similarly to Schoenberg, neither discloses nor suggests display of medical notes, laboratory results or ventilator data in a single panel and thus, neither discloses nor suggests "displaying said acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results, and ventilator data in a second window" as recited in claim 18 of the present invention.

As acknowledged in the "Response to Arguments" section on page 11 of the Office Action, Wallace neither discloses nor suggests a "processor for acquiring data associated with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order," as recited in claim 1 of the present invention (as the Office Action argues that "Schoenberg teaches these limitations"). Applicants respectfully submit that Wallace similarly also neither discloses nor suggests "acquiring data associated with a patient from at least one of the plurality of sources; prioritizing the acquired data for display in a desired time period" as recited in claim 18 of the present invention. However, as discussed above, the feature of "prioritizing the acquired data for display in a desired time period" as recited in the present claimed invention is also neither disclosed nor suggested by Schoenberg (with Wallace).

Applicants respectfully submit that Wallace neither discloses nor suggests "generating a composite window" and "navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel; and said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling **concurrent user navigation** in **both** said first and second panels through said user specified parameters in both graphical and tabular format" as recited in claim 18 of the present invention. As discussed above, these features are also neither disclosed nor suggested by Schoenberg. Rather, Schoenberg in cited paragraph [0052] describes a "drag and drop" feature whereby the user can select a row from the tabular data, drag that row to the graph and drop that row of data into the graph. This feature can also work in reverse and the user can drag the graph and drop it into the tabular region of the screen, **removing it from the graphic display region**. Once the information is moved, it no longer exists in the previous form. This is wholly unlike the present claimed invention where automatic steps are provided to concurrently navigate through user specified data and parameters in graphical and tabular format thereby providing a more efficient means for analyzing and matching data parameters to quickly diagnose the health and condition of a

patient (a patient safety concern). In the present claimed invention, when the user moves the "slider bar" in the "second panel" to navigate "through the user specified parameters in tabular format," the "cursor" in the "first panel" navigates concurrently through the graphical data with the navigation through the tabular data in the second panel. Thus, a temporal relationship between the data shown in the tabular format and the data shown in the graphical format is advantageously maintained. The user friendly display of the present claimed invention helps to improve patient safety and accuracy of diagnosis by facilitating focusing attention of a caregiver on the patient and avoiding distraction involved in manually trying to match corresponding graphical and tabular display data in the panels. The present claimed invention further provides "an efficient way to process and display the large amount of data from the various medical devices" (Specification, page 2, lines 17-18).

It is also respectfully submitted that there is no reason or motivation to combine these two references as Wallace is concerned with entering ventilator settings to control the ventilator and setting appropriate alarm settings while Schoenberg is directed towards providing subsets of data regarding patient medical information to respective groups of users. These references are concerned with entirely different problems in the medical field. Wallace is concerned with facilitating the set-up of a ventilator and ventilator alarms. Schoenberg is concerned with providing immediate and selective access to various members of a medical team treating a patient, based on the function performed by each member. Additionally, neither of these references is concerned with concurrently navigating through the display of data in graphical and tabular format as in the present invention and thus, there is no recognition of the problems addressed by the present claimed invention. Contrary to the arguments made in the "Response to Arguments" section, applicants respectfully submit that the systems of Schoenberg and Wallace are directed towards different objectives, and therefore, there is no reason or motivation to combine these systems.

Additionally, applicants respectfully submit that even if the systems of Schoenberg and Wallace were combined, such a combination would produce a system whereby members of a medical team, based on the function they perform, may enter and control settings for the ventilator and alarms. This combination still neither discloses nor suggests "generating a composite window for displaying said acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results, and ventilator data in a second window" as recited in claim 18 of the present invention. Additionally, the combination of these two references also neither shows nor suggests "navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel; and said

first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format" as recited in claim 18 of the present invention. Consequently, withdrawal of the rejection of claim 18 under 35 U.S.C. 103(a) is respectfully requested.

Claim 19 is dependent on claim 18 and is considered patentable for the reasons presented above with respect to claim 18. Consequently, withdrawal of the rejection of claim 19 is respectfully requested.

<u>CLAIM 20</u>

Dependent claim 20 is dependent on claim 18, and is patentable for the same reasons as claim 18. Additionally, claim 20 is patentable because Schoenberg and Wallace neither disclose nor suggest "displaying the acquired data in varying scales" as recited in claim 20 of the present invention.

The Office Action cites paragraph [0055] of Schoenberg as describing the present claimed feature. Applicants respectfully disagree. The cited passage merely describes that "[t]he data is presented in a way which maximizes its utility and facilitates its interpretation by the medical team. Note that a display may contain more information than can be seen in a multiple-display window. Each display can be scrolled through independently to review all the information contained therein, or maximized to fill the entire display screen, by selecting the appropriate icons at the right side and bottom of each display" (paragraph [0055]). Thus, Schoenberg merely describes that the data displayed may be scrolled through independently or maximized, filling the entire display screen. This is not equivalent to "displaying the acquired data in **varying scales**" as recited in claim 20 of the present invention. In the present claimed invention, "[t]he resolution of data displayed is determined by 'Scale' selection icon 321, which specifies the time scale of the presented data from one column to the next column. This scale selection 321 also determines the precision of the graphical trend data display in panel 305" (Specification, page 7, lines 22-25). Nowhere in the cited passage or elsewhere in Schoenberg (with Wallace) is there suggestion or disclosure of "displaying the acquired data in varying scales" as recited in claim 20 of the present invention. Consequently, withdrawal of the rejection of claim 20 under 35 U.S.C. 103(a) is respectfully requested.
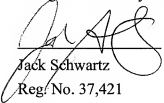
In view of the above remarks, Applicants respectfully submit that Schoenberg and Wallace do not make the present claimed invention unpatentable. Therefore, applicants further respectfully submit that this rejection has been satisfied and should be withdrawn.

VIII   CONCLUSION

Schoenberg, when taken alone or in combination with Wallace, neither discloses nor suggests the "acquiring data associated with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order" as recited in claim 1 of the present invention Additionally, Schoenberg, when taken alone or in combination with Wallace, neither discloses nor suggests "a menu generating processor for generating a composite window including a first panel for displaying on said display user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user specified parameters of said ordered acquired data in tabular format, and a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data" and "wherein said second panel includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format" as recited in claim 1 of the present invention. As independent claims 11 and 18 include similar subject matter to claim 1, these claims are also allowable over Schoenberg in view of Wallace. Additionally, as claims 2-6, 8-10, 21 and 23 are dependent on claim 1, claims 12-16 and 22 are dependent on claim 11 and claims 19-20 are dependent on claim 18, it is respectfully submitted that these claims are also patentable over Schoenberg in view of Wallace.

Accordingly it is respectfully submitted that the rejection of claims 1-6, 8-16 and 18-23 should be reversed.

Respectfully submitted,

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APPENDIX I   -   APPEALED CLAIMS

1. (Previously Presented) In an internet compatible system for displaying medical information derived from a plurality of sources, apparatus comprising:

an acquisition processor for acquiring data associated with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order;

a display; and

a menu generating processor for generating a composite window including a first panel for displaying on said display user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user specified parameters of said ordered acquired data in tabular format, and a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data;

wherein said second panel includes a slider bar for navigating through the user specified parameters in tabular format; and

said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format.

2. (Original) The system of claim 1 wherein the ventilator data comprises at least one of a ventilator setting and a ventilator parameter.

3. (Original) The system of claim 1 wherein the processor further prioritizing the acquired data for display within a selected time frame.

4. (Original) The system of claim 3 wherein a cursor is displayed indicating a selected time during the selected time frame.

5. (Original) The system of claim 4 wherein a time display field displays the time corresponding to the selected cursor time.

6. (Original) The system of claim 5 further comprising an annotate icon for allowing a user to enter an annotation for the selected time during the selected time period.

7. (Cancelled)

8. (Original) The system of claim 1 wherein the medical notes further comprising at least one of time of entry, date of entry and person of entry for the medical notes.

9. (Original) The system of claim 1 wherein the first window further comprising a graphical data panel and tabular data panel.

10. (Original) The system of claim 1 wherein the first window processor prioritizing the acquired data for display in a desired order in response to a user selection.

11. (Previously Presented) A method for displaying medical information derived from a plurality of sources, comprising the steps of:

acquiring data associated with a patient from at least one of a plurality of sources;

prioritizing the acquired data for display in a desired order; and

generating a composite window for displaying said ordered acquired data in a graphical format in a first panel, displaying user specified parameters of said ordered acquired data in tabular format in a second panel, and displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data in a third panel

navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel; and

controlling a cursor included in said first panel, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical format and tabular format.

12. (Original) The method of claim 11 wherein the ventilator data comprises at least one of ventilator setting and ventilator parameter.

13. (Original) The method of claim 11 further comprising the step of displaying the acquired data within a user-selected time frame.

14. (Original) The method of claim 13 wherein a cursor is displayed indicating a selected time during the selected time frame.

15. (Original) The method of claim 14 further comprising the step of displaying a time corresponding to the selected cursor time.

16. (Original) The method of claim 15 further comprising the step of providing an annotate icon for allowing a user to enter an annotation for the selected time during the selected time period.

17. (Cancelled)

18. (Previously Presented) A method for displaying medical information derived from a plurality of sources on a network, comprising the steps of:

acquiring data associated with a patient from at least one of the plurality of sources;

prioritizing the acquired data for display in a desired time period; and

generating a composite window for displaying said acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results, and ventilator data in a second window

navigating through the user specified parameters in tabular format by positioning a slider bar included in said second panel; and

said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format.

19. (Original) The method of claim 18 further comprising the step of displaying the acquired data in different colors.

20. (Previously Presented) The method of claim 18 further comprising the step of displaying the acquired data in varying scales.

21. (Previously Presented) The system of claim 1 wherein said composite window includes a scalability icon for selecting a time scale of the displayed acquired data in both said graphical and tabular format.

22. (Previously Presented) The method of claim 11 further comprising the step of activating a scalability icon included in said composite window for selecting a time scale of the displayed acquired data in both said graphical and tabular format.

23. (Previously Presented) The system of claim 1 wherein said concurrent navigation comprises navigation through substantially synchronized user specified parameters in graphical format and tabular format.

APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

APPENDIX III   -   RELATED PROCEEDINGS

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered.

APPENDIX IV   -   TABLE OF CASES

APPENDIX V   -   LIST OF REFERENCES

U.S. Pat./Pub. No.	Issued Date	102(e) Date	Inventors
2005/0125256 A1	June 9, 2005		Schoenberg et al.
6,305,373 B1	October 23, 2001		Wallace et al.

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